

**CITY OF ALBANY COMMON COUNCIL  
MINUTES OF A REGULAR MEETING**

**MONDAY, SEPTEMBER 18, 2017**

**Members Present:** Council Members Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kornegay, Krasher, O'Brien, Council President McLaughlin

**Staff Present:** Gerald Campbell, Marisa Franchini

The roll being called, the meeting was called to order by President McLaughlin at 7:15pm; Council Member Fahey led the body in reciting the Pledge of Allegiance followed by a Moment of Silence.

**Public Comment Period**

The following members of the public spoke:

Dennis Kerias – 13 York Road, Albany, NY – Topic: Channel Albany  
Nancy Benedict – 31 Forest Road, Delmar, NY 12054 - Topic: Channel Albany  
Alana Klein – 29 Glenwood Street, Albany, NY 12208 – Topic: Ordinance 37.82.17  
Vincent Riguso – 13 Beach Avenue, Albany, NY 12203 – Ordinance 40.91.17

There being no further speakers, President McLaughlin declared the Public Comment Period closed.

**Approval of Minutes from Previous Meeting**

President Pro Tem Conti made a motion, which was duly seconded, to approve the minutes of the September 7, 2017 meeting of the Common Council; the motion was adopted by unanimous voice vote.

**Consideration of Local Laws**

President Pro Tem Conti held the Local Laws on the agenda for further consideration.

**Reports of Standing and Ad Hoc Committees**

***Law, Buildings and Code Enforcement:*** Council Member Igoe reported that the Committee would be meeting on Tuesday, September 26 to consider Ordinance 38.91.17 in relation to the period within which property owners are required to clear sidewalks of snow and ice.

***Planning, Economic Development and Land Use:*** Council Member Herring reported that the Committee would be meeting on Wednesday, September 27 for its annual oversight meeting of the City of Albany IDA/CRC.

***PEG Ad Hoc:*** Council Member Applys updated members on issues related to: reappointment of PEG Board members who failed to complete an oath of office; recruitment of additional volunteers; and uploading Council meetings to a publicly available You-Tube account.

**Consideration of Ordinances**

Council Member Herring noticed the introduction of Ordinance 39.92.17.

**Ordinance Number 39.92.17**

**ORDINANCE AUTHORIZING A RIGHTS-OF-WAY FRANCHISE WITH EXTENET SYSTEMS, INC. FOR INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT**

**WHEREAS** the State of New York issued an Approval effective December 2, 2005, granting ExteNet's predecessor ClearLinux Network Corporation a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service with authority to operate throughout the State of New York to provide telecommunications services; and

**WHEREAS** federal law provides that the regulation of the placement, construction, and modification of personal wireless service facilities by any local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services, and shall not prohibit or have the effect of prohibiting the provision of personal wireless services; and

**WHEREAS** under federal law, a local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request; and

**WHEREAS** state and local law require franchise approval of the Common Council for the proposed use in City rights of way; and

**WHEREAS** ExteNet Systems, Inc. has filed a franchise request with the City of Albany and permit applications with the City of Albany Department of General Services on May 4, 2017; and

**WHEREAS** the jurisdictional boundaries of City include public rights-of-way and facilities that are used by, and useful to, telecommunications providers; and

**WHEREAS** City is authorized by State statutes, regulations and orders to recover just and reasonable costs for administering telecommunications providers' access to the public rights-of-way within City's jurisdictional boundaries.

**NOW THEREFORE**, that the Common Council of the City of Albany hereby authorizes the City Of Albany to enter into an agreement with ExteNet Systems, Inc., its successors and assigns, a franchise to construct, install, operate and maintain telecommunications equipment in the City of Albany for valuable consideration and upon such terms as this Council deems proper, as set forth in the written franchise agreement attached hereto.

President Pro Tem Conti referred Ordinance 39.92.17 to the Committee on Planning, Economic Development and Land Use for further consideration.

President Pro Tem Conti made a motion requesting unanimous consent to add Ordinance 40.92.17 to the agenda for introduction. The motion was duly seconded and adopted by unanimous voice vote.

Council Member O'Brien noticed the introduction of Ordinance 40.92.17.

**Ordinance Number 40.92.17(MC)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO CERTAIN PROPERTIES LOCATED IN THE TOWN OF COEYMANS, NEW YORK AT PRIVATE SALE TO CM RECYCLING, LLC**

**The City of Albany, in Common Council convened, does hereby ordain and enact:**

**Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to the City-owned properties located in the Town of Coeymans, New York known as Stylababrack Road (Tax Map #144.-2-18), 320 Old Ravena Road (Tax Map #144.-2-20) and River Road (Tax Map #156.-3-1.2) be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the State of New York.**

**SUBJECT to all easements, restrictions and rights-of-way of record.**

**Section 2. It is hereby determined that the aforesaid properties have been abandoned for municipal or public purposes.**

**Section 3. The Council finds and declares that this action is a Type 1 action under the New York State Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and declares that the conveyance has no potentially significant adverse impacts upon the environment and therefore issues a Negative Declaration of Environmental Significance.**

**Section 4. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.**

**Section 5. This ordinance shall take effect immediately.**

President Pro Tem Conti held the remaining ordinances on the agenda.

**Consideration of Resolutions**

Council Member Doesschatte offered Resolution 53.92.17R, requested passage and a vote thereon.

**Resolution Number 53.92.17R**

**RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURSUANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2017 TAX YEAR**

**WHEREAS**, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of the homestead and non-homestead classes; and

**WHEREAS**, the homestead and non-homestead locally adjusted base proportion for the Albany City School District for the assessment roll of 2017-18 has been determined pursuant to Section 1903 of the Real Property Tax Law based on the attached rates provided by the New York State Office of Real Property Tax Services; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby certify the Albany City School District's local adjustments to the adjusted base proportions pursuant to Real Property Tax Law Section 1903.

President McLaughlin called for a roll-call vote thereon and the resolution was adopted.

Affirmative: 13      Negative: 0      Abstentions: 0      Present: 0

Affirmative: Applys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kornegay, Krasher, O'Brien

Council Member Golby offered Resolution 54.92.17R\*, requested passage and a vote thereon.

#### **Resolution Number 54.92.17R**

#### **RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CITY'S PARTICIPATION ON THE CAPITAL DISTRICT URBAN / TECHNICAL SEARCH AND RESCUE TEAM ("UTSAR" TEAM).**

**WHEREAS**, the City of Albany recognizes the need to prepare for natural and man-made disasters and recognizes the need for trained technical rescue specialists, and

**WHEREAS**, the New York State Department of State Office of Fire Prevention and Control provides for the coordination, funding, training and administrative support for the Capital District Urban/Technical Search and Rescue Team (UTSAR Team), and

**WHEREAS**, the UTSAR Team is an urban search and rescue team formed pursuant to General Municipal Law § 209-bb to provide qualified rescue specialists and specialized rescue equipment readily available for rapid assembly and deployment to the scene of an emergency, and

**WHEREAS**, the UTSAR Team members have received specialized training and equipment to respond to specialized technical rescue situations, and

**WHEREAS**, the City of Albany desires to continue its membership on the UTSAR Team and supports the participation of its employees in the training and deployment of the UTSAR Team.

**NOW THEREFORE BE IT RESOLVED**, that employees of the City of Albany are authorized to act on behalf of the City by participating as members of the UTSAR Team and to complete and maintain the necessary training deployment of the UTSAR Team under the coordination of the New York State Department of State Office of Fire Prevention and Control, and

**BE IT FURTHER RESOLVED**, that, in accordance with the applicable provisions of General Municipal Law § 209-bb, the City of Albany agrees to provide defense and indemnification coverage pursuant to Public Officers Law § 18 and Chapter 38 of the Code of the City of Albany together with Workers Compensation coverage pursuant to applicable provisions of the Workers Compensation Law for its said employees while participating on the UTSAR Team.

*\*Resoulution 54.92.17R was cosponsored by Council Members Applyrs, Bailey, Conti, Doesschate, Herring, Igoe, & O'Brien*

President McLaughlin called for a voice vote thereon and the resolution was adopted by unanimous voice vote.

President Pro Tem Conti held the remaining resolutions on the agenda for further consideration.

### **Miscellaneous or Unfinished Business**

Council member Dan Herring offered the following, which was adopted by unanimous voice vote:

**RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2018, AND WAIVE THE READING OF THE NAMES:**

Michael T. Greene, 200 Henry Johnson Blvd, Albany, NY 12210  
Daniel P. Lyman, 200 Henry Johnson Blvd, Albany, NY 12210  
Roger F. Pelletier, 200 Henry Johnson Blvd, Albany, NY 12210  
Ronald F. Preville, 200 Henry Johnson Blvd, Albany, NY 12210  
Saphire Whineglass, 24 Eagle Street Room 202 Albany, NY 12207

### **Adjournment**

There being no further business, President Pro Tem Conti made a motion to adjourn which was duly seconded and adopted by unanimous voice vote; the meeting adjourned at approximately 7:50pm.

*Respectfully Submitted  
Gerald Campbell  
Clerk to the Common Council*